

313.197 Contracts to continue the operations of a deceased or incapacitated dentist's practice.

- (1) The executor or administrator of a deceased dentist's estate, or the legal guardian or authorized representative of a dentist who has become incapacitated, may contract with another dentist or dentists to continue the operations of the deceased or incapacitated dentist's practice if the practice of the deceased or incapacitated dentist is a:
 - (a) Sole proprietorship;
 - (b) Corporation in which the deceased or incapacitated dentist is the sole shareholder; or
 - (c) Limited liability company in which the deceased or incapacitated dentist is the sole member.
- (2) Contracts to continue the operations of a deceased or incapacitated dentist's practice may extend until the practice is sold.
- (3) Prior to contracting with another dentist or dentists to continue operations of a deceased or incapacitated dentist's practice, the executor, administrator, guardian, or authorized representative shall file a notification of intent to contract for continuation of practice with the Board of Dentistry on a form prescribed by the board. The notification shall include the following information:
 - (a) The name and license number of the deceased or incapacitated dentist;
 - (b) The name and address of the dental practice;
 - (c) The name, address, and tax identification number of the estate;
 - (d) The name and license number of each dentist who will provide services in the dental practice;
 - (e) An affirmation, under penalty of perjury, that the information provided is true and correct and that the executor, administrator, guardian, or authorized representative understands that any interference by the executor, administrator, guardian, or authorized agent, or any agent or assignee of the executor, administrator, guardian, or authorized representative, with the contracting dentist's or dentists' practice of dentistry or professional judgment or any other violation of this chapter is grounds for an immediate termination of the operations of the dental practice; and
 - (f) Any other information the board deems necessary for the administration of this chapter.
- (4) Within thirty (30) days after the death or incapacitation of a dentist, the executor, administrator, guardian, or authorized representative shall send notification of the death or incapacitation by mail to the last known address of each patient of record that has received treatment by the deceased or incapacitated dentist within the previous twelve (12) months, with an explanation of how copies of the practitioner's records may be obtained. This notice may also contain any other relevant information concerning the continuation of dental practice.

- (5) The provisions of this section and KRS 313.240 shall not be interpreted to relieve any person providing dental services from the requirements of KRS 313.020 or 313.190.

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